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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,519	07/02/2003	Chen-Fa Huang	030612.SU (15819-117)	5251
23595	7590	10/05/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			BUTLER, MICHAEL E	
		ART UNIT	PAPER NUMBER	
		3653		

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
10/612,519	HUANG, CHEN-FA	
Examiner	Art Unit	
Michael Butler	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 03 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by McGuinness et al. 5634583 which discloses all the claimed elements including:

(Re: cl 1) A roofing washer dispenser comprising: a barrel having a nose on a distal end thereof and a magazine connected to the barrel (c3 L 12-22), a tube connected to the barrel and a pile of washers received in the tube ( c2 L 62-c3 L 22), a plate connected to the barrel and including a groove defined in a top of the plate (c2 L 47-61), a hole defined through the plate and located beneath of the nose, a feeding device having a pushing plate which is movably engaged with the groove (c2 L 47-61), at least one washer in the groove and pushed by the pushing plate ( c2 L 62-c3 L 47), and a plurality of protrusions extending from an inner periphery of the hole (14 fig 9; c2 L 47-61);  
(Re: cl 2) the protrusions are located at an intermediate point of a width of the inner periphery of the hole (c4 L 46-67).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

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patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim(s) 1-2 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Haytayan 339065 in view of Beach 5056684 wherein the former discloses the elements previously discussed and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 1) A roofing washer dispenser comprising: a barrel having a nose on a distal end thereof and a magazine connected to the barrel (c9 L 1-32), a plate connected to the barrel and including a groove defined in a top of the plate (fig 8), a hole defined through the plate and located beneath of the nose (c9 L 1-32), a feeding device having a pushing plate which is movably engaged with the groove (c5 L 41-65), at least one washer in the groove and pushed by the pushing plate (c9 L 1-32),, and a plurality of protrusions extending from an inner periphery of the hole (520/236/244;c5 L 6-23);  
(Re: cl 2) the protrusions are located at an intermediate point of a width of the inner periphery of the hole (520/236/244;c5 L 6-23).

Beach 5056684 discloses

a tube connected to the barrel and a pile of washers received in the tube (5 L 60-c6 L 9 with c7 L 2035).

It would have been obvious at the time of the invention for Haytayan to attach a vertical tube magazine housing washers because a gravity feed detachable magazine reliably feeds washers into the grooved channel from a quickly replenishable source as taught by Beach.

5. Claim(s) 1-2 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Haytayan 339065 in view of Lui et al. 648610 wherein the former discloses the elements previously discussed and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 1) A roofing washer dispenser comprising: a barrel having a nose on a distal end thereof and a magazine connected to the barrel (c9 L 1-32),

a plate connected to the barrel and including a groove defined in a top of the plate (fig 8), a hole defined through the plate and located beneath of the nose (c9 L 1-32), a feeding device having a pushing plate which is movably engaged with the groove (c5 L 41-65),  
at least one washer in the groove and pushed by the pushing plate (c9 L 1-32),, and a plurality of protrusions extending from an inner periphery of the hole (520/236/244;c5 L 6-23);  
(Re: cl 2) the protrusions are located at an intermediate point of a width of the inner periphery of the hole (520/236/244;c5 L 6-23).

Lui et al. discloses

a tube connected to the barrel over grooved channel the and a pile of washers received in the tube for feeding into the horizontal channel(31 fig 2 ; c2 L 33-53);

It would have been obvious at the time of the invention for Haytayan to attach a vertical tube magazine housing washers because a gravity feed detachable magazine reliably feeds washers into the grooved channel from a quickly replenishable source as taught by Lui et al..

6. Claim(s) 1-2 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamb 6302310 in view of Haytayan 339065 wherein the former discloses :

(Re: cl 1) A roofing washer dispenser comprising: a barrel having a nose on a distal end thereof and a magazine connected to the barrel (fig 1 & 3),  
a plate 50 connected to the barrel and including a groove 56 defined in a top of the plate a hole defined through the plate and located beneath of the nose (54),  
a feeding device having a pushing plate which is movably engaged with the groove (c4 L 23-32),  
at least one washer in the groove and pushed by the pushing plate (fig 4/5),  
and a single protrusion extending from an into the hole (58 fig 6 )

Haytayan discloses a plurality of protrusions extending from an inner periphery of the tube located at an intermediate point from the width of the hole inner periphery (520/236/244;c5 L 6-23).

It would have been obvious at the time of the invention for Lamb to substitute the pivoting single protrusion extending to a central area of the hole with a plurality of equivalent

function protrusions mounted on the interior of the hole because plural protrusion distribute the load over the plural protrusions and moving protrusions to the interior of the hole would better center seat washers awaiting final dispensing of the washer as taught by Haytayan and come up with the instant invention.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (571) 272-6944. The fax numbers for the Group is (703) 305-7687/(703) 872-9306.

*Michael E. Butler*

Michael E. Butler  
Examiner

  
DONALD P. WALSH  
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